

# ***City Council Meeting Minutes***

**August 4, 2020  
Electronic Meeting  
6:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Jeff Lipton***

**Staff Present:**    ***Heather Balser, City Manager  
Kevin Watson, Finance Director  
Nathan Mosely, Parks, Recreation, & Open Space Director  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning & Building Safety Director  
Lisa Ritchie, Senior Planner  
Megan Pierce, Economic Vitality Director  
Meredyth Muth, City Clerk***

**Others Present:**    ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Dickinson moved to approve the agenda, seconded by Councilmember Leh. All in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA**

Richard Morgan, 644 West Pine Street, thanked the City for opening up the Recreation Center again and in particular the pool.

## **APPROVAL OF THE CONSENT AGENDA**

Mayor Stolzmann asked for changes to the consent agenda; hearing none she asked for a motion. Councilmember Fahey moved to approve the consent agenda, seconded by Councilmember Dickinson. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: July 23, 2020; July 28, 2020***
- C. *Approval of Resolution No. 59, Series 2020 – A Resolution Approving an Intergovernmental Agreement By and Between the City of Louisville and the Boulder County Clerk and Recorder for the Conduct and Administration of the 2020 General Election to be Held November 3, 2020***

## **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

None.

## **CITY MANAGER'S REPORT**

None.

## **REGULAR BUSINESS**

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**ORDINANCE NO. 1798, SERIES 2020 – AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE CONOCOPHILLIPS CAMPUS GENERAL DEVELOPMENT PLAN (REDTAIL RIDGE MASTER PLAN) – 2nd READING, PUBLIC HEARING (advertised Daily Camera 7/19/20)**

**REDTAIL RIDGE COMPREHENSIVE PLAN AMENDMENT PROPOSAL – REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE PHILLIPS 66 SPECIAL USE DISTRICT DESIGNATION FROM RURAL TO SUBURBAN, CHANGE THE LAND USE MIX POLICIES TO INCLUDE MULTI-FAMILY RESIDENTIAL, HEALTHCARE AND LODGING, AND INCREASE ALLOWANCES FOR THE FLOOR AREA RATIO AND BUILDING HEIGHT POLICIES**

Mayor Stolzmann introduced the item and opened the public hearing. She noted two addenda were added since publication of the packet and asked those be included in the record.

Mayor Stolzmann asked if there were any Council disclosures. Mayor Stolzmann stated she had received an email from Jack Lane which stated he attended a meeting at which he wrote “we left feeling we had your support.” Mayor Stolzmann noted she has not

attended any meetings on this subject and she was unaware what he was referring to. She added she received emails in support of Erickson Living on August 1<sup>st</sup> that came in alphabetical order and arrived approximately every two minutes. When responding to note the emails had been entered into the record, many of those emails were undeliverable and one person she responded to noted they had not sent the original email. There were no other disclosures.

Mayor Stolzmann stated the plan for tonight will be to get as far as possible in the agenda, but if we are still going at 10 pm we will finish what section we are on and continue this to another evening. She noted public comments will be limited to three minutes.

Director Zuccaro stated the applicant for this project is Brue Baukol Capital Partners. There are two requests and the first request for a Comprehensive Plan (Comp Plan) Amendment impacts the second request for General Development Plan (GDP) amendment so staff is presenting them together.

He reviewed the site and location and he reviewed the history of the property noting it is the former StorageTek parcel. It was later approved to be the ConocoPhillips campus with 2.5M square feet of development with varying building heights between 2-5 stories. The campus was never built.

A Metro District has been formed on the property. City Council approved the Service Plan in February and there was an election to form the districts in May. It allows up to 60 mills in property tax; 50 mills to fund infrastructure and 10 mills for operations as well as debt issuance up to \$168,750,000 with a maximum 40-year term. City Council put a condition on the service plan approval that the Comp Plan amendment and final cost estimates for the project would need to be approved with a final plat before debt could be issued.

Director Zuccaro reviewed the Comp Plan amendment request noting the Comp Plan is not a regulatory document, but the GDP and any future PUDs need to be consistent with Comp Plan policies. The proposal includes requests to change the Special District Designation from Rural to Suburban; change the density from .25 FAR to .5 FAR (meaning a maximum of 3,185,325 sq. ft. to 6,370,650 sq. ft. if applied to the Redtail Ridge plan); specifies heights up to five stories; changes the block length standard from Undefined to 1,000-2,000 ft.; and changes the land use mix to include senior living, multi-family residential, healthcare and lodging.

He reviewed the GDP amendment request noting the site is already zoned Planned Community Zone District (PCZD). The municipal codes notes that a GDP proposal is to include proposed land uses; the type and character of development; the number of dwellings; the location of parks, open spaces, recreation facilities and other public facilities; and the location, type and character of streets.

He reviewed the proposed GDP in more detail noting the various parcels and what is proposed for each one. Parcel A is proposed for a senior living development and other uses; Parcel B is a single-user corporate campus; Parcels C, D, and E are a mix of commercial and residential uses; and Parcel F is Open Space and a buffer area. He noted the development plans shown and modeled are all conceptual at this time. There would also be concurrency requirements regarding the senior residential and corporate campus development and that a certain amount of sales tax generating retail space and additional commercial be built before the non-senior residential units can be built.

Director Zuccaro reviewed the height proposal in each subarea. The tallest buildings would be in the east and shorter on the west. He noted the topography of the site affects how the buildings transition across the site. He reviewed the street proposal including an extension of Campus Drive.

He reviewed the trail plan including bike lanes on streets, multi-use paths, and regional trail connections. He noted the public land dedication requirement is approximately 42 acres and 59.6 are provided. There are approximately nine acres of public use easements proposed and the applicant is asking this dedication meet any future PUD requirements not related to waivers. The Open Space, Parks, and Recreation Boards have all reviewed these plans and support the concept as proposed.

Director Zuccaro reviewed a height and density analysis but noted this is conceptual and is only modeling what could be allowed at full built out.

He noted a market analysis was provided by the applicant. This is likely to be a 20-year project and much could change over that time. The analysis reviews market trends and potential for the proposed land uses and phasing. It projects the addition of 8,440 jobs at full buildout and projects a regional housing demand impact of 6,189 units.

He reviewed the traffic and mobility study noting where trips are anticipated. The study estimates 27,274 new daily vehicle trips and recommends short and long-term improvements that will be needed including intersection improvements. He noted the US 36 interchange at the Northwest Parkway fails in 2030 without improvements.

Director Zuccaro noted staff had a custom fiscal analysis completed. The fiscal analysis is a tool we use in the development review process to assess potential fiscal impact to the City. The analysis is a snapshot based on current budget and revenue structure for the City, and shows what the potential fiscal balance is for a development to maintain current level of service in support of the new development. Overall fiscal review is a balance between three factors: non-residential which provides the majority of city revenues; municipal services and amenities that the revenues pay for which lead to attracting residents and maintaining quality of life; and the third leg is residential development that generates spending and employment.

He compared it to the fiscal performance of other areas of town. He added that for special districts the land use mix needs to demonstrate neutral fiscal benefit and positive economic benefit. He noted the City may have other social and environmental goals it is trying to meet outside of the fiscal evaluation.

Carson Bise, the City's financial consultant from Tischler Bise, presented his analysis. The City has used a specific fiscal model for about six years but this development was complex enough for staff to ask for a detailed fiscal review. He noted the basic assumptions that this assumes existing levels of service are maintained.

Bise reviewed the fiscal results by fund and the annual net fiscal results. The proposed project generates a positive overall (combined Fund) fiscal result; the mixed-use nature of the project gives the site a better economic balance than the by-right use; and the deficits to Open Space & Parks and Recreation Funds are not surprising as both Funds are currently subsidized by the General Fund. He added the surpluses generated to the Debt Service Fund occur because the existing City debt service expenditures are not directly attributable to this development. The analysis highlights the City's reliance on sales and use taxes.

He noted the retail component on this proposal is not large, but the residential included in the proposal should support the retail offering.

Director Zuccaro reviewed the Comp Plan analysis criteria that Council will need to consider for an amendment. The four criteria are:

- A. The amendment request is consistent with the goals, policies and intent of the comprehensive plan of the city;
- B. The amendment request will not result in adverse impacts to existing or planned services to the citizens of the city;
- C. The amendment request demonstrates a need exists for the amendment through either changed conditions or past error which support adjustments to the city's comprehensive plan;
- D. The planning commission and/or city council may consider other factors in reviewing an application as they deem appropriate and may request additional information which is necessary for an adequate review and evaluation of the amendment.

Director Zuccaro noted that staff recommends Council consider how the proposal meets the Comprehensive Plan Vision Statement and Core Community Values as a way to evaluate item A.. Staff recommends that Council consider if the land use proposal is consistent with "Small Town" scale and size considering its context. The project would have significant investment in the transportation network and is consistent with many of our TMP Goals, but would add additional traffic into the system beyond current zoning allowance. Traffic mitigation is a critical aspect of the project. The proposal also provides parks, open space and trail amenities.

For item B, the cost of city services is to be offset by revenues generated by development but some funds show a fund deficit in the analysis. For item C, conditions have changed from the time of the ConocoPhillips plan approval which is why those plans were abandoned. For item D, staff recommends consideration of citizen input; any policy change should have broad community support.

For the GDP amendment staff notes it needs to be consistent with the Comp Plan Policy. The purpose of PCZD zoning is to encourage the use of contemporary land planning principles and coordinated community design. It is also to be an integrated, planned community development of sufficient size to provide various housing types, retail and service activities, and the creation of public facilities.

Director Zuccaro stated the Planning Commission reviewed the Comp Plan amendment request in June and they are recommending denial on both that and the GDP. They did not review the GDP amendment in detail but would be willing to do so if the Council approved the Comp Plan amendment or remanded the entire proposal back to them.

Staff recommends the Council use the public hearing to review the amendment criteria and understand community support of the Comp Plan amendment request. If the Council supports the Comp Plan policy changes staff recommends conditional approval of the GDP. He reviewed staff's GDP conditions and concurrency requirements.

He reviewed the options for Council related to the proposal:

- Comp Plan Amendment
  - Direct Staff on Resolution of Approval
  - Direct Staff on Resolution of Denial
  - Continue Hearing
  - Remand to Planning Commission with Direction/Guidance
- General Development Plan
  - Approve Ord. 1798, Series 2020 with or without Conditions
  - Deny Ord. 1798, Series 2020
  - Continue Hearing
  - If Comp Plan Remanded, GDP Could be Remanded As Well

Geoff Baukol gave the applicant presentation. He introduced Greg Cardwell from Phillips66. Cardwell noted the reasons Phillips66 did not move forward on their project. He added Phillips66 support for this project.

Baukol reviewed the development team and previous projects they have worked on. He stated they want to provide a livable, innovative, and economically diverse community. He stated they hope the public benefit of the proposal will include: activating a dormant site, including a large public land dedication, an enhanced trail network, park land, enhanced access, and improved safety. He noted the improved circulation of Campus Drive.

He reviewed the increased property taxes this project would provide the City. Beyond tax benefits he stated the project would increase sales tax revenue, lodging tax revenue, and construction fees. He stated the development costs are all covered by the metro districts so there is no additional tax burden to residents.

Jordan Swisher reviewed the community input they have taken on the project including public meetings, webinars, and a virtual town hall. She stated after getting input they have increased the public land dedication and relocated the park space. They have reduced the density significantly but do not feel it can be decreased any further and still be financially feasible.

She reviewed the density of the proposal noting the floor area ratio at build-out is .48 which is just under the City's suburban FAR of .50 in Comp Plan. She reviewed the density compared to other local developments. She reviewed the building height proposals and the topography. She also reviewed conceptual site renderings.

John Tansey, Erikson Living, stated his company is looking to build a retirement community as a part of the proposed development on the site. He stated they would hope to cater to local community members and feel this is a great location for their product.

Swisher reviewed traffic information noting their goals to mitigate traffic impacts. They noted their commitment to traffic demand management.

Swisher reviewed the residential component of the proposal. She noted their goal is to bring a diversity of housing to the area including entry-level housing.

Jim Dreissen, Medtronic, reviewed the company's plans for a corporate campus on the site. He reviewed the company's history and their products. He noted they need approvals soon or they will need to look at other sites.

Baukol stated he feels the criteria are met for a Comp Plan amendment. For Criterion A, he feels the development helps the City meet its long-term goal of livability. For Criterion B, he stated the development is not a financial burden to the City and will be an economic benefit. For Criterion C, he stated changes are needed to do anything on the property other than a basic corporate campus which is not what current development models look for.

Baukol stated the 5.2M square foot development is low density on a site this size and it is what makes the development feasible. He noted this proposal is less office development than what is approved for the site now. The development team wants to make this site work and feels they have the way to make it work even in this market. They want to get this right for the City and includes the Medtronic campus, retirement living, entry level housing, support for schools, and a large park donation.

He stated they feel the development brings many positives to the community including new businesses, new residents, and a large economic boost. He asked what the cost of denial would be. He asked Council to consider approval.

Mayor Stolzmann asked for Council questions, seeing none she opened the public comment period.

#### Public Comments

Joy Brook, 1590 Garfield Avenue, stated her displeasure with this application particularly with the impacts it will have on the environment and traffic. She is opposed to the density of the proposal.

Steven Armstrong, 541 North Manorwood Lane, stated he is an employee of Medtronic, but he also supports the application as a resident. He noted this is not open space and the City needs revenues from this land for long-term financial viability in this downturn.

Brian Topping, 1550 White Violet Way, stated he originally supported this application but has since changed his mind. He does not think the retail component is large enough and it will not produce enough tax revenue to make this worthwhile.

Sherry Sommer, 910 South Palisade Court, stated the Council should deny the application. She noted many of the letters of support are not from residents and are from people who will profit from the development, not people who live here.

Kate Hope, stated this plan does not have community input and the developer should partner with residents to create something people want.

Matt Jones, 265 Dahlia Drive, stated the proposal is too big and is a blow to the small town character. He feels none of the four criteria are met and Council should deny it. This does not meet the financial or environmental needs of the City.

Maryann Jaross, 846 St. Andrews, stated the original presentation was half this size and she doesn't understand why it has to be at this scale. She would like Medtronic to stay, but it needs to be an appropriate development.

Scott MacLaughlin, 948 St. Andrews Lane, stated he thinks the traffic analysis is completely unrealistic and it will be much greater than presented and everyone will be impacted. He thinks this development doesn't need to be this large.

Irfan Azeem, 631 West Street, stated his opposition due to the negative impacts on traffic, the environment, and City resources. He noted most of the letters in opposition to the plan are from Louisville residents and most in support are from non-residents. He urged denial.



Miguel Cebrian, 833 West Mulberry Street, stated he doesn't understand how he would benefit as a resident. He stated he doesn't understand what the cost will be to have all these new residents in the City and it will bring more pollution and traffic.

Tamar Krantz, 691 West Street, stated the majority of the letters from residents are in opposition. She feels outsiders are pushing this on us and stated the financial plan for this development is precarious given the mill levy they will have to charge to move forward.

Katie Lacz, 874 West Mulberry Street, stated she understands the concerns of residents but also noted that affordable housing and high density housing is what will allow people not generally represented in Louisville to move here. Restricting housing options can end up hurting people of color more than the white people already here.

Janette Kotichas, 278 Juniper Street, stated residents know what is right for us and what isn't. The approved 3M square foot development is enough for that property. She does not want to be like every other City.

Katherine Marsella, 703 Goldway, Superior, stated she is a senior at Monarch High School. She feels the school students would be negatively impacted by construction and traffic if this is approved.

Erin Lindsay, 826 Trail Ridge Drive, stated she thinks this should be denied. It is clear the residents don't want it. If the finances don't work at a smaller level this is a bad business decision for the developer. The scope of the project is too big.

Chris Lindsay, 826 Trail Ridge Drive, stated his opposition. It is too big, and brings too many new people to the town, along with too much traffic. It is not the City's responsibility to approve this for the developers.

Ellen Jardine, 390 Owl Drive, stated residents don't want more density and more population. There is nothing in the proposal to address climate change and the development is not a benefit for Louisville.

Susan Morris, 939 West Maple Court, stated her opposition as presented. The existing regulation would allow for a corporate campus that Medtronic could use and the Comp Plan doesn't need to be amended to allow that.

David Finamore, 720 Grant Avenue, urged denial of the application. He stated he doesn't see why we need this. There is not enough good in it for the City. We need more sales tax and retail not what is presented.

Matt Michaelis, 1918 Quail Circle, stated most residents don't support this. He feels Medtronic could build under the current regulations and the City shouldn't subsidize a large corporation.

Charlene Bandurian, 139 Lincoln Circle, urged denial as she feels it will ruin the small town ambiance and make Louisville like any other City.

Mike Schaller, 349 Short Street, stated he supports the application and keeping Medtronic here.

Kristin Anthony, 812 Spyglass Circle, stated her opposition as it is too big and is not supported by residents. She stated the Council should wait for a better proposal with fewer impacts.

Doug Johnson, 804 Spyglass Circle, stated this is too big and the traffic will be incredible. This is not what Louisville needs.

Seth Adams, 1604 Longs Peak Drive, stated he is speaking on behalf of the Louisville Sustainability Board. He stated this development does not address the needs of the Sustainability Action Plan.

Gail Hartman, 724 Ponderosa Court, stated this is disconnected from town and people who live here will spend all their money in Broomfield as it is more convenient.

Linda Gallegos 125 Cherywood Lane, stated people just want to keep Louisville a special place and this development won't do that. Louisville is not designed for this type of traffic.

Tanya Glaser 106 Aline Street, asked for a no vote. She stated she supports Medtronic and senior housing but would like to have a better design; this is too big and too dense. It needs to be more environmental.

Arnie Mullen 235 Dahlia Drive, stated his opposition to the traffic and the housing. He feels it will stress the infrastructure too much. He worries the residents will end up paying for this in the end.

Justin Solomon, 477 Lincoln Court, stated he was hopeful this would be a good plan but the scale and environmental impacts are too much for Louisville. He would like Medtronic to build under what is already allowed.

John Leary, 116 LaFarge Avenue, stated the fiscal benefit to the City is not a positive and this is not right for Louisville.

Cyndi Bedell, 662 West Willow Street, stated that if Comp Plan changes require public input than this should be denied as the citizens of Louisville are strongly against this and the decrease in the quality of life this would bring. She asked Council to wait for a better proposal.

Janet Schofield, 363 Troon Court, stated the question is if we want a town feel or a metropolis feel. This development will just add to the urban sprawl and is just too big.

Rebekah Cavanagh, 527 Hoptree Court, stated she is a resident and Medtronic employee and she loves the Medtronic community and feels this is a great place for their campus to share the Louisville community with the world. She encouraged a yes vote.

John Cartwright, 120 West Pine Street, stated this is just too big and he has concerns about the financial conclusions. We need something that is a better fit.

Richard Morgan, 644 West Pine Street, stated he supports the project to help bring age diversity and housing options for new families. He noted we are losing retailers to neighbors. This development brings new streets, retailers, and opportunities and is a benefit for the community.

Maxine Most, 640 West Linden Street, asked the Council to disregard the emails from nonresidents. She feels many developments end up costing the residents. This will negatively impact the community.

Stephanie Rowe, 631 West Street, stated this development needs to be rethought for environmental sustainability and to be less car centric. She would like to see a larger open space dedication. She stated it is too big and too much of an impact. It should adhere to the existing Comp Plan.

John Milanski, 450 Fillmore Court, stated he is a member of the Fire District Board and the District has no official position on this. The new fire station in the proposal would be paid for by the development.

Michelle Clifford, 1116 West Enclave Circle, stated her support for the project saying it would open up this space for people to use and create more park space. We need the infrastructure and people to support retail. It would be an improvement to the town.

Denise Baek, 365 Jackson Circle, stated she is a Medtronic employee and supports the proposal. She stated the development and Medtronic employees would benefit the community and local businesses; it could also bring more diversity to the community.

Alex Commins Wilson, 1612 Jefferson Avenue, stated he does not support this proposal; it is not a good fit for the community.

Bob Muckle, 1101 Lincoln Avenue, stated there is a lot to like about this plan including Medtronic, but this proposal is too big of an impact and not a good fit. He suggests a large scale Comp Plan review and a new proposal.

Natasha Flyer, 1640 Egret Way, Superior, stated she opposes the project for the huge impact it will have on the area including the traffic. It will generate much more traffic on 88<sup>th</sup> Street and will be urban sprawl.

Michiko Christensen, 543 Adams Avenue, asked if Medtronic could find other space in Louisville that would be a better fit; repurpose other buildings. She would like to see more open space and have entry level housing for Louisville residents. She opposes the plan as presented.

David Sinkey, 2858 Shoshone Trail, Lafayette, stated he supports the project as a local business owner. He stated he appreciates there are local folks involved in this project. He feels there is a good balance in this plan between Louisville's needs and financial feasibility. He stated he doesn't think this project will hurt the character of Louisville.

Joel Hayes, 187 Harper Street, stated he would like Council to listen to the residents and not change the Comp Plan and deny the proposal.

Mayor Stolzmann moved to continue the item to August 18; Councilmember Leh seconded the motion. Mayor Stolzmann noted at the next meeting there will be a chance for additional public comments

**Voice vote:** All in favor.

#### **CITY ATTORNEY'S REPORT**

None.

#### **COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

Mayor Stolzmann moved to make the August 25 meeting a Special Meeting rather than a Study Session to accommodate those items moved from the August 18 meeting. Seconded by Mayor Pro Tem Maloney. All in favor.

#### **ADJOURN**

Members adjourned at 10:31 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk